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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,150	07/14/2003	Victor W. Thomas SR.	CM-052B	6784
24804	7590	02/13/2004	EXAMINER	
S.C. JOHNSON COMMERCIAL MARKETS INC 8310 16TH STREET, M/S 510 PO BOX 902 STURTEVANT, WI 53177-0902			SNIDER, THERESA T	
		ART UNIT	PAPER NUMBER	1744

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/619,150	THOMAS ET AL.
	Examiner	Art Unit
	Theresa T. Snider	1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 November 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 16-41 is/are pending in the application.
 4a) Of the above claim(s) 16-20 and 31-41 is/are withdrawn from consideration.
 5) Claim(s) 30 is/are allowed.
 6) Claim(s) 21-23 and 26-29 is/are rejected.
 7) Claim(s) 24 and 25 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 17 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/16/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 16-20, drawn to a method of scrubbing and burnishing a floor, classified in class 134, subclass 6.
 - II. Claims 21-30, drawn to a floor-treating machine having computerized control, classified in class 15, subclass 319.
 - III. Claims 31-40, drawn to a floor cleaner having retractable elements, classified in class 15, subclass 339.
 - IV. Claim 41, drawn to a floor cleaner with liquid shielding, classified in class 15, subclass 320.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each invention has separate utility such as in a machine without any of the particular features of the other groups. See MPEP § 806.05(d).
3. Inventions II, III, IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes and effects.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with Warren Bovee on 1/7/2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 21-30. Affirmation of this election must be made by applicant in replying to this Office action. Claims 16-20 and 31-41 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:
reference character “22” has been used to designate both control panel(page 17, lines 12 and 20) and control pad(page 17, lines 13 and 15);
reference character “92” has been used to designate both frame(page 21, line 20) and bolts(page 21, line 22). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

8. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 22-23 and 26-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 22, line 1, ‘module’ should be inserted after ‘program’;

line 2, ‘module’ should be inserted after ‘program’(both occurrences)

Claim 23, lines 2 and 3, ‘module’ should be inserted after ‘program’;

Line 2, ‘the second’ should be replaced with ‘a second’.

Claim 26, line 11, ‘computer’ should be deleted.

Claim 27, line 2, ‘the second’ should be replaced with ‘a second’.

Claim 29, line 7, ‘computer’ should be deleted;

Line 17, it is unclear as to what is meant by ‘of me first’;

Line 17, ‘computer’ should be deleted.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claim 21 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Erko.

Erko discloses a first assembly of components for performing a first cleaning operation on a floor (fig. 1, #26).

Erko discloses a second assembly of components for performing a second cleaning operation on a floor (fig. 1, #44).

Erko discloses control circuitry connected to both assemblies to allow for parallel operation thereof (col. 4, lines 20-49).

Allowable Subject Matter

13. Claim 26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

14. Claims 22-23 and 27-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. Claim 30 is allowed.

16. Claims 24-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a floor cleaner having a first assembly of components for performing a first cleaning operation, a second assembly of components for performing a second cleaning operation and control circuitry connected to the assemblies having a first and a second program module to allow for parallel operation of the assemblies HOWEVER fails to disclose or fairly suggest the first program module supplying data to the second program module and the second program module modifying operation of the second assembly based on the data OR the control circuitry being at least two processors with one executing the first program module and another executing the second program module OR the second assembly including a burnisher OR the first program module having a first plurality of instructions for controlling operations of both assemblies and coordinating among the operations of the assemblies, the second program module having a second plurality of instructions for controlling operations of the assemblies wherein the first plurality of instructions includes instruction for supplying a command from the first program module to the second program module, as set forth in lines 13-22 of claim 26 OR the control circuitry coordinating operation of the first assembly relative to an operation of the second assembly based on a distance traveled by the cleaner.

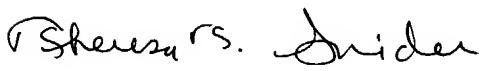
Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sitarski et al. discloses a floor cleaner including a burnisher and vacuum apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Theresa T. Snider
Primary Examiner
Art Unit 1744

2/6/2004